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**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

In re:

BITEX LLC,

Debtor.

Bankruptcy No. 20-24133 (JTM)

Chapter 7

PHILIP G. JONES, in his capacity as
Chapter 7 Trustee of the Bankruptcy
Estate of BITEX, LLC,

Plaintiff,

JAMES NIU a/k/a JAMES WOLFGRAMM
a/k/a JAMES NIU WOLFGRAMM and
LUPE NAKA NIU,

Defendants.

Adv. Pro. No. 22-02064

MOTION TO DISMISS COMPLAINT

Plaintiff, Philip G. Jones, trustee of the chapter 7 estate of the above-referenced bankruptcy estate (the "Plaintiff"), hereby moves this Court for an Order dismissing above-captioned case. In support of this Motion, the Plaintiff respectfully represents as

follows. The Plaintiff is the only party to have appeared in the above-captioned adversary proceeding. Although Plaintiff has received one or more email communications from Defendants, Defendants have not appeared or otherwise participated in the above-captioned case. Plaintiff has determined that possibility of recovery in the above-captioned case is minimal. Moreover, because Defendant is subject to a criminal action before the United States District Court, District of Utah, Plaintiff believes that the criminal action may represent the best source of recovery for creditors of the bankruptcy estate who also have claims against Defendant.

WHEREFORE, based on these representations, the Plaintiff respectfully requests that this Court enter an Order dismissing the above-captioned adversary proceeding.

DATED: September 29, 2023

COHNE KINGHORN, P.C.

/s/ Jeffrey Trousdale

JEFFREY TROUSDALE
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2023, I electronically filed the **MOTION TO DISMISS COMPLAINT** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users, and will be served notice of entry of the foregoing through the CF/ECF System:

- **George B. Hofmann** ghofmann@ck.law, mparks@ck.law; apetersen@ck.law
- **Jeffrey L. Trousdale** jtrousdale@cohnkinghorn.com, mparks@ck.law; apetersen@ck.law

By U.S. Mail: In addition to the parties of record receiving notice through the CM/ECF system, the following parties will be served notice pursuant to Fed. R. Civ. P. 5(b).



None



Manual Notice List:



All parties on the Court's official case matrix.

/s/ Jeffrey Trousdale